

Dkt.43016-A-PCT-US/JPW/MAF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Philip O. Livingston and Friedhelm Helling
Serial No.: 08/196,154 Examiner: Anne Holleran
Filed : November 16, 1995 Group Art Unit: 1642
For : GANGLIOSIDE-KLH CONJUGATE VACCINES WITH QS-21

1185 Avenue of the Americas
New York, New York 10036

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

TERMINAL DISCLAIMER

Sloan-Kettering Institute for Cancer Research, 1275 York Avenue, New York, New York 10021 is the Assignee of record of the entire right, title and interest in and to this application by virtue of an Assignment from Philip O. Livingston and Friedhelm Helling to Sloan-Kettering Institute for Cancer Research which was submitted for recordation to the U.S. Patent and Trademark Office on January 21, 1994 in connection with International Application No. PCT/US94/00757. The present application, Serial No. 08/196,154, is the United States National Stage of application No. PCT/US94/00757. A copy of this Assignment is attached hereto as **Exhibit 1.**

Sloan-Kettering Institute for Cancer Research, 1275 York Avenue, New York, New York 10021 is also the Assignee of record of the entire right, title and interest in and to U.S. Serial No. 08/477,097 filed June 7, 1995, by virtue of an Assignment from Philip O. Livingston and Friedhelm Helling to Sloan-Kettering Institute for Cancer Research which was recorded in the U.S.

Applicants: Philip O. Livingston and Friedhelm Helling
Serial No.: 08/196,154
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Page 2

Patent and Trademark Office on November 9, 1995 at Reel No. 7707, Frame 0968, a copy of which is attached hereto as Exhibit 2.

Sloan-Kettering Institute for Cancer Research hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the above-identified application which would extend beyond the earliest expiration date of the full statutory term, as defined in 35 U.S.C. §154 to §156 and §173, of any patent issuing from application Serial No. 08/477,097 and hereby agrees that any patent issued from the present application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to any patent issuing from application Serial No. 08/477,097, this agreement to run with any patent granted on the present application and to be binding upon the grantor, its successors and assignees.

In making the above disclaimer Sloan-Kettering Institute for Cancer Research does not disclaim the terminal part of any patent granted on the present application that would extend to the earliest expiration date of the full statutory term, as defined in 35 U.S.C. §154 to §156 and §173, of any patent issuing from Serial No. 08/477,097 in the event that any patent issuing from application Serial No. 08/477,097 later: expires for failure to pay a maintenance fee, is found unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

Applicants: Philip O. Livingston and Friedhelm Helling
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Page 3

I have reviewed the assignment attached hereto as Exhibit 1 and certify that, to the best of my knowledge and belief, Sloan-Kettering Institute for Cancer Research has all right, title, and interest in and to the present application. I further certify that I am authorized to sign on behalf of the assignee, Sloan-Kettering Institute for Cancer Research.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date: 12/03/03

Sloan-Kettering Institute
for Cancer Research

By:

James S. Quirk
James S. Quirk
Senior Vice-President,
Research Resources Management
Sloan-Kettering Institute
for Cancer Research

FORM PTO-1595 (Substitute)
(Rev. 6-93)RECORDATION FORM COVER SHEET
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Philip O. Livingston and Friedhelm Helling

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

3. Nature of Conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: January 21, 1994

2. Name and address of receiving party(ies):

Sloan-Kettering Institute for
Cancer Research

Name: _____

Internal Address: _____

Street Address: 1275 York Avenue

City/State/Zip: New York, New York 10021

Additional name(s) & address(es) attached?

☐ Yes ☒ No4. Application number(s) or patent number(s): If this document is being filed together with a new application,
the execution date of the application is: January 21, 1994

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached?

☐ Yes ☒ No5. Name and address of party to whom correspondence
concerning document should be mailed:

Name: John P. White, Esq.

Internal Address: _____

Street Address: Cooper & Dunham

30 Rockefeller Plaza

City/State/Zip: New York, New York 10112

6. Total number of applications and patents involved:

7. Total fee (37 CFR 3.41): \$ 40.00

☐ Enclosed☒ Authorized to be charged to deposit account

8. Deposit account number:

03-3125

(Attach duplicate copy of this page if paying by
deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a
true copy of the original document.

Robert J. Cobert, Esq.

Name of Person Signing
Reg. No. 36,108

Signature

January 21, 1994

Date

Total number of pages including cover sheet, attachments
and document: 5

OMB No. 0651-0011 (exp. 4/94)

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents and Trademarks, Box Assignments
Washington, D.C. 20231

ASSIGNMENT

In consideration of One Dollar (\$1.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, we, the undersigned,

Philip O. Livingston and Friedhelm Helling, residing at 156 East 79th Street, Apartment 6C, New York, New York, 10021, U.S.A; and 303 East 71st Street, Apartment 6H, New York, New York, 10021, U.S.A., respectively,

Hereby sell, assign and transfer to Sloan-Kettering Institute for Cancer Research a corporation of the state of New York having a place of business at 1275 York Avenue, in the County of New York and State of New York 10021, U.S.A., its successors, assigns and legal representatives, the entire right, title and interest for all countries, in and to any and all inventions which are disclosed and claimed, and any and all inventions which are disclosed but not claimed, in the PCT International Application, which has been executed by the undersigned on 21 January 1994 and is entitled

GANGLIOSIDE-KLH CONJUGATE VACCINES PLUS QS-21

(PCT International Application claiming priority of U.S. Serial No. 08/009,268, filed January 22, 1993, and designating the United States of America (as a continuation-in-part))

and in and to said PCT International Application and all divisional, continuing, substitute, renewal, reissue, and all other applications for U.S. Letters Patent or other related property rights in any and all foreign countries which have been or shall be filed on any of said inventions disclosed in said PCT International Application; and in and to all original and reissued patents or related foreign documents which have been or shall be issued on said inventions;

Agree that said Assignee may apply for and receive U.S. and foreign Letters Patent or rights of any other kind for said inventions, or any of them; and may claim, in applications for said U.S. and foreign Letters Patent or other rights, the priority of the aforesaid PCT International Application under the provisions of the International Convention of 1883 and later modifications thereof, under the European Patent Convention or under any other available international agreement; and that, when requested, without charge to, but at the expense of, said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned or the undersigned's executors or administrators will, for the United States and all foreign countries, execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications or other documents on any and all said inventions; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives, all facts known and documents available to the undersigned relating to said inventions and the history thereof; testify in all legal proceedings; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said inventions and for vesting title to said inventions and all applications for patents or related foreign rights and all patents on said inventions, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date: 1/21/94 19

Philip Livingston [L.S.]
Philip O. Livingston

Witness Christine Hanlon
Christine Hanlon
401 E 74th St
Ny 10021

Date: 1/21/94 19

Friedhelm Helling [L.S.]
Friedhelm Helling

Witness Christine Hanlon
Christine Hanlon
401 E 74th St
Ny 10021

=====

ASSIGNMENT BY

=====

Philip O. Livingston and
Friedhelm Helling

to

SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH

=====

GANGLIOSIDE-KLH CONJUGATE VACCINES
PLUS QS-21

=====

Attorney for

John P. White
Cooper & Dunham
30 Rockefeller Plaza

New York, N.Y. 10112

212-977-9550

=====



JOW/msc/msk
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

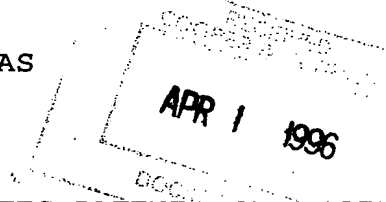
MARCH 25, 1996

JOHN P. WHITE
COOPER & DUNHAM L.L.P.
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

PTAS



100098576A



UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/09/1995

REEL/FRAME: 7707/0968
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

LIVINGSTON, PHILIP O.

DOC DATE: 06/30/1995

ASSIGNOR:

HELLING, FRIEDHELM

DOC DATE: 07/25/1995

ASSIGNEE:

SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH
1275 YORK AVENUE
NEW YORK, NEW YORK 10021

SERIAL NUMBER: 08477097

FILING DATE: 06/07/1995

PATENT NUMBER:

ISSUE DATE:

JERYL MCDOWELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



12-01-1995

Docket No. 43016-B

FORM PTO-100 (Substitute)



100098576

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Philip O. Livingston and Friedhelm Helling

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

3. Nature of Conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: July 25, 1995 and June 30, 1995

2. Name and address of receiving party(ies):

Sloan-Kettering Institute for
Name: Cancer Research

Internal Address: _____

Street Address: 1275 York Avenue

City/State/Zip: New York, New York 10021

Additional name(s) & address(es) attached?

☐ Yes ☒ No

4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

Serial No. 08/477,097 filed June 7, 1995

B. Patent No.(s)

Additional numbers attached?

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: John P. White

Internal Address: _____

Street Address: Cooper & Dunham LLP

1185 Avenue of the Americas

City/State/Zip: New York, New York 10036

6. Total number of applications and patents involved:

☐ 1

7. Total fee (37 CFR 3.41): \$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number:

03-3125

(Attach duplicate copy of this page if paying by deposit account)

KK40014 11/28/95 08477097

03-3125 040 581

40.00CH

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Albert Wai-Kit Chan

Name of Person Signing

Albert Wai-Kit Chan

Signature

11/7/95

Date

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Albert Wai-Kit Chan 11/7/95
Albert Wai-Kit Chan Dat
Reg. No. 36,479

Total number of pages including cover sheet, attachments and document: ☐ 4

OMB No. 0651-0011 (exp. 4/94)

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents and Trademarks, Box Assignments
Washington, D.C. 20231

Assignment

In consideration of One Dollar (\$1.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, we, the undersigned,

Philip O. Livingston and Friedhelm Helling residing at 156 East 79th Street, New York, New York, 10021 and 504 East 63rd Street, Apartment 25N, New York, New York 10021 respectively,

Hereby sell, assign and transfer to Sloan-Kettering Institute for Cancer Research

New York

having a place of business at

in the County of New York

a corporation of the State of
1275 York Avenue

and State of New York

its successors, assigns and legal representatives, the entire right, title and interest for all countries, in and to any and all inventions which are disclosed and claimed, and any and all inventions which are disclosed but not claimed, in the application for United States Patent, which has been executed by the undersigned on 6/30/95 and 7/25/95 and is entitled

GANGLIOSIDE-KLH CONJUGATE VACCINE PLUS QS-21

(U.S. Serial No. 08/477,097, filed June 7, 1995, a continuation of PCT International Application No. PCT/US94/00757, filed January 21, 1994, which is a continuation of U.S. Serial No. 08/009,268, filed January 22, 1993)

and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications for U.S. Letters Patent or other related property rights in any and all foreign countries which have been or shall be filed on any of said inventions disclosed in said application; and in and to all original and reissued patents or related foreign documents which have been or shall be issued on said inventions;

Authorize and request the Commissioner of Patents of the United States to issue to said Assignee, the corporation above named, its successors, assigns and legal representatives, in accordance with this assignment, any and all United States Letters Patent on said inventions or any of them disclosed in said application;

Agree that said Assignee may apply for and receive foreign Letters Patent or rights of any other kind for said inventions, or any of them; and may claim, in applications for said foreign Letters Patent or other rights, the priority of the aforesaid United States patent application under the provisions of the International Convention of 1883 and later modifications thereof, under the Patent Cooperation Treaty, under the European Patent Convention or under any other available international agreement; and that, when requested, without charge to, but at the expense of, said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned or the undersigned's executors or administrators will, for the United States and all foreign countries, execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications or other documents on any and all said inventions; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives, all facts known and documents available to the undersigned relating to said inventions and the history thereof; testify in all legal proceedings; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said inventions and for vesting title to said inventions and all applications for patents or related foreign rights and all patents on said inventions, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date: 6/30/95 19 Philip Livingston [L.S.]
Philip O. Livingston

Witness: Vera Hinck
Vera Hinck
45 Brooklyn Avenue
West Hempstead Ny 11550

Date: _____ 19 Friedhelm Helling [L.S.]
Witness: _____

Agree that said Assignee may apply for and receive foreign Letters Patent or rights of any other kind for said inventions, or any of them; and may claim, in applications for said foreign Letters Patent or other rights, the priority of the aforesaid United States patent application under the provisions of the International Convention of 1883 and later modifications thereof, under the Patent Cooperation Treaty, under the European Patent Convention or under any other available international agreement; and that, when requested, without charge to, but at the expense of, said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned or the undersigned's executors or administrators will, for the United States and all foreign countries, execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications or other documents on any and all said inventions; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives, all facts known and documents available to the undersigned relating to said inventions and the history thereof; testify in all legal proceedings; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said inventions and for vesting title to said inventions and all applications for patents or related foreign rights and all patents on said inventions, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date: _____ 19 _____ Philip O. Livingston [L.S.]

Witness: _____

Date: 7.25. 19 95 _____ Friedrich Helling [L.S.]

Witness: Monica Bocchia

MONICA BOCCHIA

504 E 63rd STREET APT 25N

NEW YORK, NY, 10021

RECEIVED BY

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES

TO

ONCOLOGY BRANCH
NATIONAL CANCER INSTITUTE

Application for review of
the use of space for
CANCER RESEARCH
PLUS 08-21

Attorney for John F. Smith

George A. Diamond, D.D.
1115 Avenue of the Americas
New York, N.Y. 10036

312-274-4400